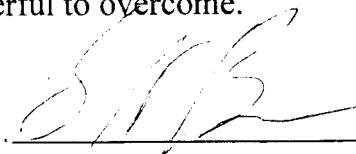
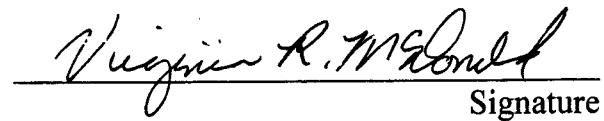


the evidence of the murder of Officer James and the previous murder that he was wanted for when he killed Officer James was too powerful to overcome."

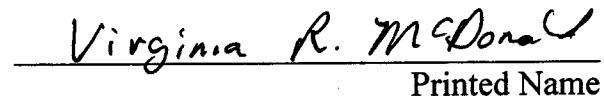
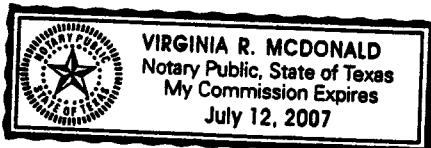


Brook Busbee

SUBSCRIBED AND SWORN TO BEFORE ME, on June 28th, 2006 to certify which witness my hand and official seal.



Virginia R. McDonald
Signature



Virginia R. McDonald
Printed Name

Notary Public in and for
Dallas County, Texas

My commission expires: 7-12-2007

Exhibit 11

A F F I D A V I T

COUNTY OF DALLAS
STATE OF TEXAS

BEFORE ME, the undersigned official, on this day appeared C. Wayne Huff, who is personally known to me, and first being duly sworn according to law upon his oath, deposed and said as follows:

"My name is C. Wayne Huff. I am over 18 years of age, and I am fully competent to make this affidavit. I have personal knowledge of the facts stated herein, and they are all true and correct.

"I have practiced law for 31 years. I was a prosecutor for six years with the Dallas County District Attorney's Office. I have specialized in criminal defense trial and appellate work since 1980, and I have been board certified in criminal law since 1981. I have been first or second chair counsel in 26 death penalty cases, 24 of which were actually litigated before juries.

"The Honorable Lana McDaniel, presiding judge of the 203rd Judicial District Court of Dallas County, Texas, appointed Brook Busbee and me as co-counsel to represent Licho Escamilla in his trial for the capital murder of Dallas Police Officer Christopher James (Cause No. F01-59398).

"We did not ask the Court for a forensic social worker, i.e., a "mitigation expert," to assist us in Escamilla's defense, but we did have the help of a defense investigator, Cliff Jenkins. He looked into Escamilla's background for us and located family members, friends, and neighbors for us.

(
mitigation
expert)

"Initially, we had difficulty getting Escamilla's family to come and meet with us. Eventually, some of Escamilla's family met with us at Ms. Busbee's office. I believe at one point during the meeting, we separated them and spoke with them individually. While speaking to them, I specifically asked them about any abuse in the family or any abuse related to Escamilla. No one mentioned anything about abuse by Escamilla's father or anyone else and no one mentioned or suggested that Escamilla's father was an alcoholic. Those I spoke to gave me the impression that Escamilla's father was a good,

responsible guy and a good father.

"I also asked Escamilla himself if there was any abuse, and I told him that I needed to know about any abuse for mitigation purposes. Escamilla denied any abuse.

"Escamilla left strategic decisions up to Ms. Busbee and me, but we kept him informed of our plans, including our defensive strategy of arguing that he was guilty only of the lesser-included offense of murder. I remember telling him that, given the strength of the State's evidence of his guilt, there was no way to credibly deny that he wasn't guilty of anything. Escamilla had no objection to this strategy. If he had objected to it, we would have discussed it with him further. He was not surprised by this defensive theory, but if he had been, I don't believe the stun belt would have deterred him from speaking up. In my opinion, Escamilla was not afraid of being stunned by the belt.

"Ms. Busbee and I considered self-defense as a defensive theory in the guilt phase, but we didn't think it had any traction because the evidence to the contrary was so overwhelming. So, Ms. Busbee and I agreed that she shouldn't argue self-defense in closing argument in the guilt phase because it was not a credible argument. I did ask for a self-defense instruction in the jury charge, but only in the hopes that it might be refused and, possibly, inject error in the jury charge.

"I don't remember Escamilla ever telling me about a jailer encouraging him to do the interview with Bud Gillett. If he had told me, I would have investigated it. I do remember asking Escamilla why he did the interview with the Gillett. He just shrugged his shoulders and offered no explanation.

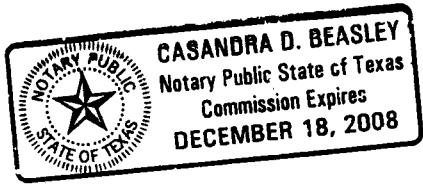
"If we had put Escamilla on the stand, even if just in the pretrial hearing, he probably wouldn't have made a good witness. [I felt he was unpredictable and that he might erupt while on the stand.]

"We knew that Escamilla had a drinking problem and that he used drugs. In fact, our defensive theory was partly based on it. We theorized that, after his mother's death, Escamilla's substance abuse got worse and that it played a role in the murder of Officer James."



C. Wayne Huff

SUBSCRIBED AND SWORN TO BEFORE ME, on June 29, 2006 to certify
which witness my hand and official seal.



Notary Public in and for
Dallas County, Texas



Cassandra D. Beasley
Signature



Cassandra D. Beasley
Printed Name

My commission expires: 12-18-2008

Exhibit 12

3303 LEE PARKWAY, SUITE 220
DALLAS, TEXAS 75219
TELEPHONE (214) 522-5120

GLEN T. PEARSON, M.D.

November 29, 2002

Brook Busbee
Attorney at Law
703 McKinney Avenue
Dallas, Texas 75202

Re: Licho Escamillo

Dear Ms. Busbee:

I'm writing to document my findings concerning the above-referenced young man, whom I examined at your request on October 2, 2002, at the Frank Crowley Center, during jury selection for his trial on charges of capital murder. Your consultation request indicated that as his defense attorney, you wished to ascertain whether Mr. Escamillo might have been suffering from any mental disorder which would have etiological significance for the crime for which he had been indicted, or which might have indicated mitigation in the issue of punishment.

I reviewed the records in your case file (mostly from Dallas County Juvenile Department and the Texas Youth Commission) prior to meeting with Mr. Escamillo in the holding cell adjacent to the courtroom in which his trial was proceeding. I spent about an hour with him, and found him forthcoming and cooperative. His is a tragic story, the long and short of which is that there is no evidence of mental illness or disorder which might explain or mitigate his behavior.

Licho grew up in a close-knit Latino family in West Dallas, one in which his father owned his own business and the parents were deeply concerned about the social development of their offspring. None of Licho's siblings were involved with illegal activity, and despite his own repeated arrests and incarcerations, beginning when he was 13, his family remained supportive and concerned. He was never referred for psychiatric care, or even for psychological counseling. His family attempted to remove him from the environment in which he had begun getting into trouble by sending him to Grand Prairie (to live with relatives and attend school), but he continued to run afoul of the law at every opportunity.

He drank alcohol and used marijuana to excess, and many of his offenses were committed under the influence of one, the other, or both, chemicals.

Licho has never experienced hallucinations or delusions (not even under the influence of toxic chemicals), and his reality testing has remained intact (that is, he can distinguish between imagination or fantasy on the one hand, and reality as defined by social consensus on the other). He has no evidence in the history, or the current mental status examination, of organic mental disorder or mental retardation. He understands the charges against him and is able to assist his attorney in the preparation of his defense. Irrelevant to the present evaluation, but so striking I feel it should be reported, is the feeling tone in which he reported his behavior during the crime for which he is presently charged: capital murder in the death of a police officer who was attempting to subdue and arrest him. Licho talked about shooting this officer as if he were a 10-year-old playing cops and robbers, saying "Pow! Pow-pow-pow!" It was as if the drama of the moment were the most important thing to him; no consideration for the life that was ended or the manifold consequences of that death. This apparent indifference contrasts starkly with Licho's emotionality when talking about his closeness to, and concern for his family.

In summary, Licho Escamilla meets the criteria for alcohol, marijuana, and polysubstance abuse and dependence, and for antisocial personality disorder. There is no clinical evidence of a psychiatric or organic mental disorder which would either account for his acknowledged criminal behaviors, or mitigate his responsibility for them.

I hope this report will be sufficient for your needs in Licho's defense. Although the experience of examining Licho was a wrenching one for me personally, I thank you for the opportunity of contributing to the forensic process. If I can be of further assistance, please don't hesitate to contact me.

Sincerely yours,



Glen T. Pearson, M.D.

GTP/wp

Exhibit 14

Mitigation Partners

ATTORNEY – CLIENT PRIVILEGED

CONFIDENTIAL MEMORANDUM

To: Catherine Bernhard

Cc: Joe Villanueva

From: Toni Knox

Date: September 29, 2005

Re: Licho Escamilla, Report #010

Telephone Interview with Dr. Glen Pearson, 9/29/05
3303 Lee Parkway, Suite 220, Dallas, Texas 75219
214/522-5120

Relevance: Dr. Pearson was the psychiatrist that examined Licho during his trial and then submitted a letter to Brook Busbee.

Circumstances of Interview: I called several times and left messages for Dr. Pearson, but I did not receive a return call. I then went to his office. Dr. Pearson was not in, but I left my card and a copy of Licho's release with one of his associates and they left it on his desk.

Interview: About 9:00 pm that evening, I received a call from Dr. Pearson. He initially seemed upset that I had been in his office. I reassured him that I had not been in his office, only in the reception area and his associate had agreed to leave the information on his desk. Before I could really ask him any specific questions, he told me several times that he did not have any further information than what was contained in the letter.

I asked Dr. Pearson if he did much "forensic" work. He stated that he did on occasion, but not very frequently. I asked him if he could remember the circumstances of the attorney's request for him to see Licho. He didn't remember any specific directions from the attorney as to why he was examining Licho. He stated that it seemed that it had been sort of a last minute effort to cover all the bases by the attorney. He couldn't remember if he had reviewed any of the records prior to going to the jail to see Licho. He seemed to think that he had reviewed the records and then spent a brief period of time with Licho. He believed that the trial was going on at the time of his interview with Licho. He stated he had not found any "exculpatory evidence" that would help the attorneys. It was apparent that Dr. Pearson did not distinguish between "exculpate" and "mitigate". Dr. Pearson did not find anything to "excuse" Licho's behavior, which was his goal, rather than attempting to "explain" the behavior.



Exhibit 15

Mitigation Partners

ATTORNEY – CLIENT PRIVILEGED

CONFIDENTIAL MEMORANDUM

To: Catherine Bernhard

From: Toni Knox

Date: October 13, 2005

Re: Licho Escamilla

Interview with Juror # 7, Elizabeth Amis
4013 Bryn Mawr, Dallas, Texas, 75225, 214/363-4407

I talked with Ms. Amis by phone.

Parole question: Ms. Amis did remember something about the question of parole and 40 years. She said that she was under the impression that Licho would be eligible for parole and she didn't know how long he would be incarcerated. That contributed to her vote for the death penalty. She says that if it had been 40 years without parole, she might have voted for life rather than death.

Stun belt: Ms. Amis did not know that Licho had been wearing a stun belt during the trial and felt that he had been dressed appropriately. She said after the incident with the water that the judge came in and told the jury that Licho had assaulted a female bailiff and there had been concern about him trying to escape.

Ms. Amis remembered all the previous incidents that were presented against Licho, including him stealing a car and trying to get away, the incident with the principal, and other illegal activities. She said they had quite a bit of information about his previous bad behavior. I asked her if she might have been able to consider other mitigating factors if they had been presented. For example, if it had been presented that someone had issues of abuse from childhood; would she have considered that to be mitigating? She responded that her mother had been abused as a child and she had seen the effects on her mother's life. She would have considered some mitigation factors if proven and feels it may have swayed her to a life decision.

She said that Licho seemed angry and hostile throughout the trial and she didn't feel that he showed any remorse.

Exhibit 16

Mitigation Partners

ATTORNEY – CLIENT PRIVILEGED

CONFIDENTIAL MEMORANDUM

To: Catherine Bernhard

From: Toni Knox

Date: September 30, 2005

Re: Licho Escamilla

Interview with Juror # 3, James Sutton
1544 River Oaks Dr., Irving, Texas, 75060 972 254-4982

I talked with Mr. Sutton by telephone and asked if I could meet with him to discuss Licho's trial. He was willing to talk with me, but wanted to talk on the phone rather than in person.

Parole question: Mr. Sutton didn't remember what the 40 year question was about. He couldn't really remember instructions about parole. He was very vague about this question.

Stun belt: Mr. Sutton described Licho as wearing a button down shirt, but couldn't remember other details about his dress or anything out of the ordinary. He did not know that Licho was wearing a stun belt until the last day. After Licho threw the water and stood up, he didn't really notice. The jury was quickly moved out of the court room and he saw Licho fall to the ground, but didn't really understand why at that point. He did not know until later when the judge told them that Licho had been wearing a stun belt and that it had been used.

Mr. Sutton stated that the defense presentation at the guilt phase seemed disjointed and he had hoped to have more details about Licho's life. He did not find the testimony by father and sister effective. He remembers the father telling the story about Licho not wanting his father to kill the goat, but he said he thought that most children would have been opposed to killing an animal at that age. He would have liked to have heard from others about specific details concerning his life and more about what may have contributed to Licho behavior. Mr. Sutton says if a thorough story with the specific contributing factors had been presented, he would have taken them into consideration.

Exhibit 17

Exhibit 18

Maria Escamilla Affidavit
Page 1 of 5

ME
Initials

AFFIDAVIT OF MARIA ESCAMILLA

Before me, the undersigned authority, personally appeared Maria Escamilla, who, being by me duly sworn, did on her oath depose and state the following:

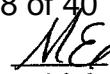
1. My name is Maria Escamilla, I am eighteen years of age or older and fully competent to make this affidavit. I have personal knowledge of the facts stated herein, and they are all true and correct:
2. My current address is 4143 Palacios, Dallas, Texas, 75212. My telephone number is 214 678-9035. My mother is Maria Rivera Escamilla (Hinojosa). My father is Jose Alfonso Escamilla. I have an older brother, Jose Escamilla, Jr., and two younger brothers, Licho and Juan Escamilla. All three of my brothers are currently incarcerated. I am unsure when my older brother Jose will be released, but my younger brother, Juan, is expected to be released in November 2005.
3. My mother often referred to my father as "the king" and we were all expected to help take care of him. My mother would make his breakfast in the morning and pack his lunch to take with him when he worked in construction. She would then go to work and come home to have his dinner waiting for him when he came home. She would also lay out his clothes in a particular manner each evening for the next morning and would also arrange his clothes for him when he came home from work and showered. My father made the decisions and rules for the family. My mother began to work longer and longer hours and come home later and they would argue. My father would send us to our rooms, but then we would hear them arguing so loud that it would scare us. We would go out to see what was happening and would try to protect my mother. I have seen my father hit my mother with a belt and his hand. Licho, in particular, would try to shield my mother from my father. My mother would often cry and sometimes she talked about leaving my father.


Initials

4. My father was particularly harsh with the boys, although he was very strict with me and my niece, Rachel. One summer, we were all being punished for something and we had to stand in the sun outside and sand the rust on these pieces of sheet metal. Rachel and I got dehydrated because it was so hot and he allowed us to stop and get in the shade, but he made the boys continue. We would try and sneak them water when we could. He would often start these harsh punishments and then would go to work or to bed and my mother would let us stop. One time, he was making the boys stand on their knees for a long period of time. It was about midnight and he had gone to bed and left them. It was a school night and my mother came and told them to go to bed.
5. My father was very family oriented. If there were some type of celebration or wedding, he would take all the family. I probably spent more time with my father than my mother because she was frequently working. I remember that my father had gotten all of us boxing gloves and we used to fight. When I was about 12 or 13, my father did not want me to box with the boys anymore because he was worried that I might get hit in the chest and injured in some way.
6. My father would hit us with his belt, switches or whatever he could find. He had this one wooden stick that almost had like a whip on the end and he broke it on Licho. Licho prided himself in being able to take a beating without crying. I felt so sorry for him because I knew that it really hurt and he would have marks, but he would say that he was fine. He did the same thing at school when he got licks. He refused to let anyone see that they were hurting him. I know that my father went up to school and signed so that they could give Licho licks when he misbehaved. He would then get another whipping when he got home. When we went out, everyone thought that we were all such good children and very respectful. When we would get home, my father would severely punish us if he thought we had been disrespectful in some way.


Initials

7. My older brother, Jose, had a reputation as being a real tough guy. He was initially shorter and smaller than some of the other boys, but wouldn't back away from anyone. I know that everyone at school didn't want to cross him. When Jose was about fifteen, he shot a man that had been beating up on Licho and was sent to TYC. Licho was devastated for many reasons. Licho always wanted to hang around with Jose and wanted to be like him. Different members of the family would make remarks to Licho about it being his fault that Jose was in jail. My mother would say if only Licho hadn't gone to that party. Licho felt that he owed Jose and would never be able to repay him. I know that my brother, Jose, was involved in a gang, the Midnight Dreamers. He encouraged Licho to be part of the gang and tried to get Licho to prove that he was "man" enough to be part of the gang.
8. Licho was a middle child and seemed to always be trying to be accepted into the family. Jose was the older brother and "the man" of the family. I was my Daddy's little girl until I got older, then we were all more distant. Juan was the youngest and my mother favored him as the "baby". Licho tried to please my mother and was very close to her. When my mother died in October 2000, the family seemed to fall apart and go in different directions. My mother had made all the plans for holidays and outings and no one took her place. Licho took her death the hardest of all of us. He hadn't been able to see her before she died. Licho was so attentive to my mother when she was ill. He would take her food to her in bed and would try to make her feel better by brushing her hair. After my mother died, Licho stayed in her room, lay in her bed and stopped eating or drinking. He became very pale. All you could hear was Licho's crying coming from that room. He felt her death was his fault.
9. My mom and Brenda would frequently keep things from my father because they didn't want him to get angry. At age eight, my mother sent me next door to get something. An older neighbor boy attempted to molest me and tried to pull my shorts down. I ran home and told my mother and I was very hurt because she said it was my fault and wanted to know what I had done to cause it. I was very upset and wanted to tell my father, but my mother would not let me because she said that my father would kill him. There was a lot

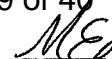

Initials

of anger in my family. My brothers often showed their anger by fighting, but I didn't have that outlet.

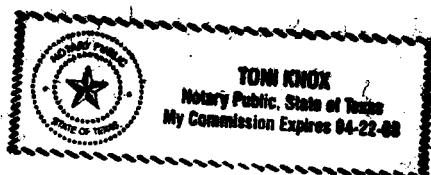
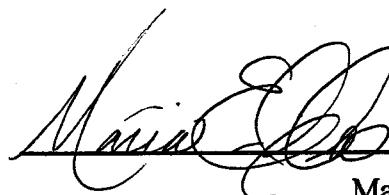
10. When I was sixteen, I was having problems with my family and my mother was telling me to just leave. When I was seventeen, I had left home and I was working at the Pizza Hut. Jose came to the Pizza Hut to bring me home. Jose hit me in the nose and busted my nose. I had blood all over the front of me. When Jose arrived home with me, my father was going to hit me with his belt, but Jose told him that he had already taken care of it. My father believes that he gave us too much and that it made us lazy and worthless. My brother, Jose, tried to find the easy way out and didn't want to work. Licho did work for my father.
11. I am currently separated from my husband and living with my father. He often tells me that the divorce is my fault. He criticizes me and makes me feel I was not a good wife. He doesn't agree with the way that I am raising my daughters. Recently, my daughter had a problem at school. When I got involved, my father criticized me for not being able to take care of the problem. I know that my mother and father did not get involved with any problems when I was going to school. They expected me to take care of it myself. My father often tells me that I have "wasted" my life. When my father visits my brothers in jail he is negative and continues to tell them all the things they did wrong.
12. My older brother, Jose, was not a good influence on Licho and Juan. Juan was much more sensitive and emotional than Licho and Jose, and rarely got into trouble at school. Initially Jose had encouraged Licho to be tough and be part of the gang. After Licho was sent away to TYC, Jose started trying to pull Juan into the same problems. Juan seemed to do much better when he was not involved with Jose. I remember how Jose treated Licho. He would play this game where the guys would all stand in a circle. He would then tell Licho to "kick his ass" and Licho was expected to fight that person and win. If Licho didn't win, Jose would call him a punk. I remember one time when Jose wanted Licho to beat up his own friend. Licho didn't want to have to beat him up and wanted his friend to just leave.

Maria Escamilla Affidavit

Page 5 of 5

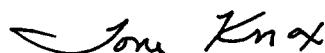

 Initials

13. When Licho was locked up, Jose never went to see him with the family. Jose always made Licho feel as though he owed him because he had gone to TYC. When Jose got out of TYC, he was angry with Licho because he didn't have money for him. Licho was very disappointed that Jose did not come to his trial and he felt abandoned by Jose. As far as I know, Licho and Jose don't write each other at this time.
14. After I heard the verdict at Licho's trial, there was a commotion and I thought that Licho had been shot. He fell to the ground and had urinated on himself. I tried to get to him to see what had happened, but all of the family was taken out of the court. I got hit in the head in the confusion and scuffle.

 Maria Escamilla
Date: 11-9-05

SWORN TO AND SUBSCRIBED before me on November 9, 2005,
 to certify which witness my hand and seal of office.



Notary Public, State of Texas



Notary's Printed Name

Exhibit 19

AFFIDAVIT IN ANY FACT

THE STATE OF TEXAS

X

BEFORE ME: TONI KNOX

X

COUNTY OF DALLAS

X

A Notary Public in and for said County, State of Texas, on this day personally appeared, Brenda Hinojosa, who after being by me duly sworn, an oath deposes and says:

My name is Brenda Hinojosa, I am eighteen years of age or older and fully competent to make this affidavit. I have personal knowledge of facts stated herein, and they are all true and correct.

My current address is 4146 Maybeth Street Dallas, Texas 75212. My telephone number is 214-678-0265. My mother is Maria Rivera. My biological father was Guadalupe Hinojosa. My father died in a car accident about 6 to 8 weeks from the day I was born. I am not aware of specific date or city, I was an infant at the time.

My mother had her first child, Ruben Rivera in August 1958, with Guadalupe Hinojosa, they were not married at the time. Ruben took my mother's maiden name. My mother and father worked as migrant farm workers going back and forth between south Texas and several northern states, including Ohio, Minnesota, Wisconsin, Michigan, and Chicago. At times they would go to Florida, and Alabama.

My mother and father married sometime after my brother Ruben was born. They had their second child Alfredo Hinojosa in September 1961. Their third child, Pedro Hinojosa was born in 1964. I was their fourth child and I was born in November 1968. Mother and father settled down in Chicago.

After my father was killed my mother, who had come to visit my grandparents stayed with them in Mercedes, Texas. Mother continued to work as a migrant worker to help support not only her children, also her siblings due to being 10. I was about 7 years old when my mother met my stepfather, Jose Alfonso Escamilla, while in Ohio.

At the time my mother met Jose Escamilla, he was had been separated from his wife Rosa for 4 years. My stepfather had 4 children with Rosa. My mother and stepfather lived together as husband and wife, but they were unable to marry legally as my stepfather had not obtained a divorce at this time. When my mother left to live with stepfather, my brothers were older and wanted to stay with my grandfather in Ohio. My mother insisted several times, however they refused to comply. My mother insisted that I go with her due to being a girl. We lived initially in Ohio.

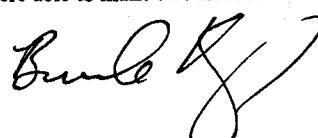
At this time my mother and stepfather proceeded to work as migrant workers, however they were getting older and wanted something better. My mother and stepfather moved to Greenville, Ohio where they would work in a factory and be allowed to go to school in the morning to learn English and attempt to learn to read and write. At this time my mother got pregnant and my stepfather decided to go to work at the crops due to not getting enough money to support a family.

My brother Jose Alfonso Escamilla was born in Piqua, Ohio on September 3, 1978. During his birth my stepfather was working in Alabama in potato crops. Stepfather came home the week before Jose was born and we moved to Illinois so he could work in picking tomatoes. I remember the weather was really bad and would not allow for my mother nor father to work. They decided to move to Dallas, Texas in October 1978.

At this time my stepfather started to work in construction and my mother started to work at a Day Care in Irving. They were able to find apts in Irving in which we lived in for the next 1978 to 1982. My sister Maria Elena Escamilla was born January 21, 1981. My brother, Licho Escamilla was born July 3, 1982. My stepfather was getting tired of living in Apts and the family was getting bigger.

My stepfather had bought some land which was very cheap due to the location in West Dallas. The neighborhood was heavily populated with Mexican-Americans. We moved from Irving to Dallas at 4045 Weisenberger Dallas, Texas 75212 where we lived from 1983 to 2001. The move was a culture shock for my mother. When we lived in Ohio and in Irving, we lived in primarily white neighborhoods with few to no Hispanics. When I attended school in Irving, there were only one Hispanic besides myself in the school. The area was a rough area then what my family was accustomed to. My stepfather brought a duplex with his brother Juan Escamilla which they were able to make two houses.

My brother, Juan Escamilla was born in Dallas, Texas in September 30, 1983.



Brenda Hinojosa Affidavit (Page 2)

My brothers Ruben and Pedro came in separate occasions to live with the family for a few weeks, but were not comfortable due to being grown ups and a house full of kids. My mother contacted them frequently by telephone and sent money to help support them financially, but contact with them lessened as the years passed and they grew up.

My stepfather, Jose, also attempted to keep in contact with his children who lived in Mission, Texas. My step-father's financial obligations to his first family were kept to himself. Problems were caused when his wife kept calling the house, and his children were brought home on one occasion in which they were demanding money from my stepfather. His children would make references to my younger siblings "we are going to take our daddy home, he is not your father." My younger siblings started to cry and would be fearful of their father leaving them along. They noticed that Jose's kids would take their father aside and would be nice to them. The kids did not understand what was going on. Jose's children from his first wife created chaos among my younger siblings and left them questioning their father's loyalty to them. My mother attempted to talk to my stepfather and correct the kids behavior, however his children would not comply and stated she was not their mother and had no business talking to them. My stepfather did not say or redirect their behavior. This created problems with my mother and stepfather. In or about 1990, Jose's wife, Rosa filed for child support. Rosa had initially requested for Jose to give her \$50,000 or get her a house or else she would file for child support. My stepfather did not make this type of money so he refused. Rosa filed for child support in Hidalgo County.

I was attending college, TWU, at this time and I had to take time off from my classes to help my stepfather at court. I accompanied my mother and step-father and younger kids several times to Mc Allen, Texas, where he obtained a divorce from Rosa and the child support issues were resolved. The reason that I had to accompany my parents to Mc Allen was to help with the court proceedings because my mother nor Jose could not read or write English nor Spanish. Jose could read some simple words and had memorized things from the Bible, street signs, and so forth, but was unable to read any type of legal document. My mother and Jose had attempted to go to school and learn and possibly obtain their GED when we lived in Ohio.

The divorce proceedings and the back child support payments caused hardship for the family. This caused increasing financial problems for the family. This year was extremely difficult for the kids at school. If any of my siblings needed help at school they were encouraged to ask the teachers or else wait until I got home on the weekends to help due to living on campus when I was attending college. I also would help my stepfather with his business documents on the weekends.

My stepfather brought his mother a home in the area and got her settled prior to building our home. Jose frequently put the needs of his "family of origin" above his own family's needs. Jose had a very close relationship with his mother and saw her frequently. Jose made sure he spoke to his mother and/or go visit her every day. Before she died, he had moved in with her so that he could care for her because she was very ill. This was shortly after the death of my mother in fall in 2001.

Licho had a close relationship with my mother and father, Jose. Licho was the most affectionate of all the children. Licho was frequently kissing, and hugging on my mother and Jose. Licho always made sure to make everyone happy and laugh. He was consistently making fun of others and playing jokes. He was always trying to make people laugh. If the family was having a problem, Licho would take on the role of trying to cheer everyone up. Licho and Jose Jr were very close. My mother loved all the kids, however she catered to the needs of the boys. My mother would cook, clean the clothes, and etc.

I remember that on Easter Sunday in 1994 that seemed to start the family on a downhill cycle. The family attending church on Easter morning. Later that evening, Jose, who was 15 years old, dropped Licho off at a party. Jose had then had gone over to his friend's house by a neighborhood store, which was a couple of blocks away. According to what I heard from different people at the party and Licho. Licho and one of his friends were out back with others jumping on the trampoline. When one of the girls was jumping on the trampoline with Licho's friend, she became angry and said that he had touched her inappropriately. She then went inside and told her father. Then two adult males came outside and were angry about what had happened. One man grabbed Licho and another man grabbed his friend. His friend was able to escape and run away, but Licho was not. The adult male beat Licho up and his face was swollen and he was messed up. While Licho was getting beat up by the adult male, his friend ran to get Jose at his friend's house. Jose came to get Licho. When Jose drove up, he saw Licho had been beat up and the same adult male came outside after Licho. Jose got out of the car and while Licho was running to the car. The man called out and asked Jose, if "he wanted some too?" During this altercation, Jose saw the man reach for his gun, and Jose shot this man, but he did not kill him-he scratched his side.



Brenda Hinojosa Affidavit (Page 3)

Jose and Licho then came home and didn't tell anyone what had happened. They appeared to be scared due to the police following them to the house. The police came and questioned Jose and Licho regarding the incident. Jose did not hesitate and turned himself in and provided the police with the location of the gun. My stepfather obtained an attorney which attempted to defend Jose for self-defense, however no one would cooperate due to the man was known in the neighborhood. Jose was sentenced for one year in TYC. The family was angry at Jose and Licho for causing the family legal and financial problems. Jose and my mother would frequently indicate to Licho that it was his fault that his brother was in TYC. Licho felt very guilty about his brother, Jose, being sent to TYC and felt he was responsible. I am not aware of any charges being brought against the man that beat Licho. Many years later, he apologized to my father due knowing he had assaulted Licho and he was the one that initiated the fight with Jose.

Licho was angry and upset about his brother being sent to TYC and his behavior at school began to deteriorate and he began changing to different schools because of various problems. During the time that Jose was at TYC, the family was usually going every weekend to see him, which was also a strain on the family.

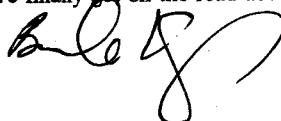
While Licho was in TYC he would be permitted to call home once a week and would call his mother and father. Licho was incarcerated at TYC in 2000. In September 2000, my brother Pedro Hinojosa died. In approximately two weeks later, my mother had a heart attack in September 29, 2000, just a few weeks before Licho was scheduled to be released from TYC. After her heart attack, she was hospitalized and placed on Life Support for a few days, but the doctors notified the family that she needed to be removed from life support due to no hope for recovery. The physician had the Board Administratively decide to stop life support and she died immediately afterwards October 2, 2000. I had to call TYC to inform my brother and he broke down emotionally. He was released in time to return home for my mother's burial. The family was devastated by my mother's death, but particularly Licho. In addition, to the normal grief that we all felt, Licho felt guilty that he had not been there when she died. He also felt guilty because of the heartache he had caused related to being incarcerated. After my mother's death, my stepfather, Jose, was extremely depressed and his functioning ability was very poor. The family, particularly my stepfather and the boys, were lost without my mother. The family was really in a crisis time. My stepfather was not functioning because of his depression and was encouraging Licho and Juan to take more responsibility around the house and mostly the business. My stepfather would not talk to no one and would hardly eat. My stepfather would not talk to no one would just get home, get up take a shower and go to work. My brothers were also numb and would only manage what they could. My father's health started to get worse. He no longer wanted to work at the tire shop due to everyone coming around and asking him, how he was. My father managed to get a part-time at Bethada Counseling Center as a transportation officer. My father got ill in August in 2001 due to enlarge prostate and the doctors could not tell if it was cancer. My father was diagnosed with Diabetes and High Blood Sugar in Summer of 2001, the same illness my mother died of which the my siblings were devastated.

During that same time period, my sister Maria Elena Escamilla, separated from her live in boyfriend and returned home with her 2 year child and pregnant with her second child. When she returned home with her first child, she was placed in Licho's bedroom. He was upset about his room being taken and began to spend more time away from the family.

Licho had begun drinking more during this period and my father was talking to him because he was worried that he was drinking too much. Licho seemed lost after our mother died. He didn't seem to have a role in the family any longer. His role in the family had been the happy one, the one that made everyone else laugh and cheer up. He was no longer in a position to do that because he felt so lost and sad. On several occasions after my mother's death, Licho expressed feelings of hopelessness about the future. At times Licho expressed he wanted to die, he had no reason to live. His condition worsen when he had been drinking and would cry for my mother. During this time it he was the most lost of all the kids. He felt she died due to his failure to make her happy.

Mothers's Day of 2001 was extremely hard for him and the family. We all went to her grave site to pray a rosary.

In November 2001, I received a promotion at my job, I was hopeful that the family was back on track. The family including Licho went out to a restaurant for Thanksgiving of 2001. We took pictures outside the resturant and the family had planned to go on a pilgrimage down to South Texas to give Thanks to the Virgin De San Juan in San Juan, Texas. We planned to leave at 10:00pm to drive through the night. We finally got on the road about 11:30pm and we had decided that Licho had decided not to go and we could not reach him.



Brenda Hinojosa Affidavit (Page 4)

Shortly after arriving in San Juan, Texas, we received a call from my sister that Licho had been shot. We had very little information, other than he had been shot. The family then had to drive back to Dallas to try and find out what had happened. We could not locate Licho and didn't know where he had been hospitalized. I was later told by others that they had seen Licho on the news, that he was charged with Capital Murder. The family attempted to get an attorney, however shortly discovered that even if all the property and personal belonging were sold we would not have enough money to get an attorney that would cost \$250,000 to \$500,000. We were informed that a defense attorney was already assigned to Licho's case.

I was later contacted by Licho's attorney Ms. Busbee. She informed me that it would be necessary for her to talk with me and get a social history information. I met with Ms. Busbee on one occasion where she gathered information and the interview lasted about an hour. The family received little information from Licho's attorneys. The next time I heard from Ms. Busbee she requested about two weeks prior to trial that we furnish names of people that could be called as character witnesses. I furnished the information to the investigator, but most of the witnesses were surprised to be contacted so close to the time of the trial. The family had no idea of the process of the court. We were treated that we were the enemies, we were heavily searched during the trial, only us, whereas the court room was packed with arm police officers, and the other witnesses for the District Attorney were not searched or asked to empty their pockets. The whole process was extremely played out as if it was just a process and a political ploy in part of the District Attorney who was going for office for his re-election that year. I was overwhelmed with the constant searches, and extremely rude treatment of my family and we were not on trial. Licho continued to inform the Attorney Ms. Busbee that he was being harassed by the Police Officers by making statements "You are going to burn," "You are going to die." Licho informed the family which consisted of Jose Escamilla, his father, Maria Elena Escamilla, and myself, that the Police Officers were allowed to go to the area where he was being detained during the trial and he was being called names, and making comments threats "I am going to get you." Ms. Busbee reported that she would look into it, however would never come back to talk to the family regarding the outcome. Ms. Busbee responded that she had no control over the situation at the jail. I felt hopelessness due to not feeling anyone was hearing us nor providing any support or guidance through the court process for Licho nor the family. Many of the individuals names that I furnished with numbers and addresses to the Investigator were not called as witnesses, although they were willing to testify and/or provide any information for the case.

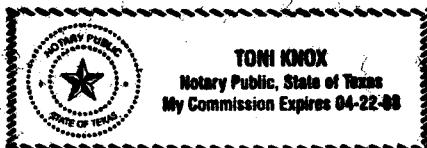
I HAVE PERSONAL KNOWLEDGE OF THE ABOVE AND I SWEAR IT TO BE TRUE AND CORRECT.

Brenda Hinojosa
AFFIANT

SUBSCRIBED AND SWORN TO ME this 16th day of November, 2005

Toni Knox

Notary Public in and for
The State of Texas.



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ATTORNEY – CLIENT PRIVILEGED

CONFIDENTIAL MEMORANDUM

To: Catherine Bernhard

From: Toni Knox

Date: October 28, 2005

Re: Licho Escamilla

Telephone Conversation with Brenda Hinojosa at work, 10/28/05
214 352-8134 ext. 267

Relevance: Licho's half sister.

Circumstances of Interview: I called Brenda at her place of employment and she called me back.

Interview: After interviewing other witnesses, I needed her to clarify some information about her mother and Jose. I asked her to tell me what she knew about Jose's life growing up and his family. Brenda described her paternal grandfather, Jesus Escamilla, as being alcoholic and irresponsible. As a consequence, Jose as the oldest had taken responsibility for his siblings. He dropped out of school in the second grade and can barely read in English or Spanish. Brenda says that her mother's education was also poor and she could not read any type of complicated document. As a result, Brenda was often called on during the years to read over documents and interpret them for her parents. She continues to help her father write checks. She says that Jose is able to participate in the reading of prayers in church because he has memorized them and is familiar with them. Brenda remembers when her mother and Jose first got together in Ohio, they had been attempting to attend GED classes in the morning that were furnished for "migrant workers". Maria was pregnant with Jose, Jr. and unable to continue in the classes and both dropped out after a short time.

I asked Brenda if her mother and Jose had been legally married because I thought she had told me that she remember going to the ceremony when she was young. She was very defensive that she had not told me any information about their wedding and she did not believe that they had ever gone through the legal process, but had lived as husband and wife for many years. Jose had actually still been married to his first wife until about 1989 or 1990. Brenda had to accompany her father and mother several times to McAllen so that she could help her father with the divorce from Rosa Lugo/Escamilla and pay back child support. Jose's oldest daughter, San Juanita also remembered being present at the court. The date of this divorce varies widely by different people's report and I can find no record of the divorce in that time period.

Brenda Hinojosa
October 28, 2005

Brenda talked about his father's major allegiance was always to his family of origin and particularly his mother. The pecking order was first his mother, then his siblings, and then his family and children. When they had moved from Irving to Dallas, Jose had built and moved his mother into a house first before he made arrangements for his family. Jose and his mother had a very close relationship and he saw her almost daily. When Brenda had helped during the divorce process, her father had told the attorney that the reason that he had left was because Rosa was unkind to his mother and cursed her. He told the attorney they could not get along and he was particularly upset about the way Rosa had treated his mother. Brenda says that Jose's father was alcoholic and physically abusive and Jose had eventually moved his father away from his mother. She believed that her grandfather had died in a nursing home or in Mexico.

Brenda said that her daughter, Rachael, was expecting her baby in a couple of weeks and her sister, Maria, was expecting her child any day now. Brenda said that she was somewhat excited about being a grandmother, but she does work so much.

Brenda talked about how her life had mirrored her father's, in that she had remained to take care of the family and dedicated her life to the family and hadn't really formed her own life.

Brenda stated that San Juanita had tried to call her and talk with her and she had no desire to talk with her. She thought that Jose had talked with her and had been happy to talk with his daughter, but Brenda had no desire to talk with her. Brenda stated that she was "not a sister, not anything to her and she didn't want to be involved with her". She asked me if I had given her number to San Juanita and I told her that I had not, but it was possible that the investigator might have given the number. I told her that I would pass along her wishes to San Juanita that she didn't "really want to be in the communication loop".

She indicated that she and Maria had been trying to round up some telephone numbers and addresses of some of Licho's friends and that Maria would give them to me.

I asked Brenda if her father Guadalupe had a social security number because I had been unable to locate his death record in the social security death index. She stated that she was sure that he had one because one of her brothers had polio and had received SS benefits from his policy she though I rechecked spelling and dates, but I cannot find the death record for Guadalupe Hinojosa.

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ATTORNEY – CLIENT PRIVILEGED

CONFIDENTIAL MEMORANDUM

To: Catherine Bernhard

Cc: Joe Villanueva

From: Toni Knox

Date: November 1, 2005

RE: Licho Escamilla, Report #026

Telephone Conversation with Brenda Hinojosa at work
214 352-8134 ext. 267

Relevance: Licho's half sister and probably highest functioning family member

Circumstances of Interview: I called Brenda at her place of employment and she called me back the next day, after I called a second time.

Interview: I explained to Brenda that I needed to try and get copies of her mother's medical records and any other records that might be available. She seemed somewhat hesitant, but stated that she thought that she had copies. I asked Brenda if she could talk with me for a few minutes and she agreed. I told Brenda that I didn't understand her loyalty to Jose after her mother died because from reports that I had he had not been that nice to her and made a point of telling people that she wasn't "his daughter", but Maria's daughter. Brenda told me that it was a long story, but I encouraged her to tell me.

Maria was from a large family and she was one of the older children. Maria's parents were migrant farm workers and moved frequently depending on the crops. Maria was unhappy in that life and wanted to settle down. After meeting Guadalupe Hinojoso, she eventually left the family and they went to live in Chicago. Brenda's older brothers remember going to school in Chicago. After Maria's husband, Guadalupe was killed, Maria basically had to put her pride aside and return back to her family with her children. Maria then attempted to "earn her keep" in the family by helping with all her siblings and working with her parents. Brenda and her brothers were very close to their maternal grandparents and her brothers thought of her grandfather as their father. Brenda remembers often being sad because she could tell that her mother was very unhappy, but she was stuck because of the children. Maria then met Jose Escamilla, and he was her "way out". Brenda believes that her mother did love Jose, but she grabbed her chance to escape the migrant lifestyle. Maria lived with Jose and became pregnant with Jose, Jr. and after his birth, Maria and Jose made plans to move to Texas to a permanent

Brenda Hinojoso
November 1, 2005

residence. Brenda and her brothers hated Jose and resented their mother because she was disrupting their family. Brenda's brothers refused to leave their grandparents, but felt abandoned by their mother. Brenda was forced to go with Maria and Jose and she was miserable. She felt so alone and missed her brother and grandparents. The only outlet Brenda had at the time was going to school.

Brenda says that there was considerable marital conflict between her mother and Jose. Jose did hit Maria and all of the children would be scared and feel hopeless. Jose had initially promised Maria that he would stop drinking when they moved to Texas and did remain sober for many years. He began the binge drinking and that increased. Brenda doesn't remember Jose drinking every day, but if he had one beer he would have 24 beers. Brenda says that her father helped both of his brothers start their own business and buy their homes. If Jose had \$50.00, he would give \$49.00 to his brothers and mother and the last \$1.00 to his own children. In addition to giving a significant amount of financial support to his family of origin, he gave considerable emotional support and then frequently had little left for Maria and the children.

The family was poor, but never without food. Jose would not accept anything he thought had been given in "charity", but Maria was accepting. Maria would often accept toys and food at Christmas, but not tell Jose where it came from.

Brenda talked about the family shame that her and younger siblings shared related to her father hitting her mother. It was a source of shame for all of them and there was no one they could talk to about it. Brenda, Jose, Nina, Licho and Juan all attempted to keep the family shame from others. The boys were ashamed that their father was hitting their mother and ashamed that they did not stop him. Jose probably has more anger towards his father than the other boys and did intervene between his mother and father in one incident.

Brenda, continued to have feelings of resentment over the years toward Jose, but came to realize that he was part of her family and she wanted to be there for her brothers. After her mother, died, Brenda struggled with her relationship with Jose, but had accepted the fact that he a part of her family and she couldn't ignore him and embrace the rest of the family. Brenda continues to seek that acceptance and approval from Jose. Brenda has been the main support of the family for many years and it is her "role".

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ATTORNEY – CLIENT PRIVILEGED

CONFIDENTIAL MEMORANDUM

To: Catherine Bernhard

From: Toni Knox

Date: August 13, 2005

Re: Licho Escamilla, Report #0001

Meeting with Brenda Hinojosa, 8/13/05
Braums on Loop 12 and Shady Trail, Dallas

Relevance: Licho's half sister and probably highest functioning family member

Circumstances of Interview: Brenda and I agreed to meet at Braums near her home.

Interview: I met with Brenda for several hours and we discussed her family history and Licho. She also talked about her experience with Licho's attorneys.

The following is the information Brenda gave me, written from her point of view.

My mother had her first child, Ruben Rivera in August 1958 with Guadalupe Hinojosa. They were not married at that time. Ruben took my mother's maiden name, as they were not married at the time. My mother and father worked as migrant farm workers going back and forth between south Texas and several northern states, including Ohio, Minnesota, Wisconsin, Michigan, and Chicago. At times, they would go to Florida and Alabama.

My mother and father married sometime after my brother Ruben was born. They had their second child, Alfredo Hinojosa in September 1961. Their third child, Pedro Hinojosa was born in 1964. I was their fourth child and I was born in November 1968. Mother and father settled down in Chicago.

After my father was killed, my mother, who had come to visit my grandparents stayed with them in Mercedes, Texas. Mother continued to work as a migrant worker to help support not only her children, also her siblings due to being 10. I was about 7 years old when my mother met my stepfather, Jose Alfonso Escamilla, while in Ohio.

At the time my mother met Jose Escamilla, he had been separated from his first wife, Rosa for 4 years. My stepfather had four children with Rosa. My mother and stepfather lived together as husband and wife, but they were unable to marry legally as my father had not obtained a divorce at the time. When my mother left to live with my father, my brothers were older and wanted to